

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Minnesota

CATEGORICAL DETERMINATIONS

For People with Mental Retardation and Related Conditions:

Advance group determinations for nursing facility (NF) care can be made for an individual in the following categories if the person:

- a) Requires convalescent care for an acute physical illness for which hospitalization was required within the past two weeks. Convalescent care in a NF is limited to 120 days.
- b) Has a terminal illness. There must be a signed statement from a physician stating that the person's medical prognosis is that his or her life expectancy is six months or less.
- c) Has a severe physical illness, such as, but not limited to:
  - 1) coma;
  - 2) ventilator dependence;
  - 3) functioning at a brain stem level;
  - 4) chronic obstructive pulmonary disease;
  - 5) Parkinson's disease;
  - 6) Huntington's disease;
  - 7) amyotrophic lateral sclerosis; or
  - 8) congestive heart failure.

The severe illness must result in a level of impairment so severe that, in the judgment of a qualified mental retardation professional, and based on the individualized evaluation and determination regarding the need for specialized services, the person could not be expected to benefit from active treatment.

- d) Has delirium, and an accurate diagnosis can not be made until the delirium clears. The applicant may be provisionally admitted. It is the responsibility of the NF to immediately notify the Local Mental Retardation Authority in its county when the delirium clears in order for an individualized evaluation to occur and determinations to be made concerning the need for NF care and specialized services. The Level II evaluation and determinations must be completed within

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For People with Mental Retardation and Related Conditions:  
(continued.)

seven working days of the referral to the Local Mental Retardation Authority.

- e) Needs a brief and time-limited stay to provide respite to in-home caregivers to whom the person with mental retardation is expected to return following the brief NF stay. A stay is limited to persons who require some type of medical intervention that the NF is capable of providing. Each stay is limited to a maximum of 30 days in any 12-month period, and must be approved by the Department's Division for Persons with Developmental Disabilities. Respite care in a nursing facility will be approved only if more appropriate services (e.g. foster care with community-based health services) are unavailable. The case manager must document to the Department's Division for Persons with Developmental Disabilities which alternatives were considered and why they were rejected.
- f) Needs a brief and time-limited stay of not more than seven days in emergencies requiring protective services. If a longer stay is anticipated, a complete Level II assessment to determine the need for nursing facility and specialized services must be completed by the Local Mental Retardation Authority within seven days of admission.

For People with Mental Illness:

Advance group determinations of the need for NF care can be made for an individual in the following categories if the person:

- a) Has recently been admitted to an acute care hospital, is being admitted to a NF for the same reason the individual was hospitalized, and the attending physician confirms in writing that the individual likely will not require more than 30 days of NF care.
- b) Has a terminal illness for which the physician has indicated in writing that the individual's medical prognosis of life expectancy is six months or less.
- c) Has the following physical conditions and/or diagnoses with physical limitations of such severity that admission to or residence in a NF is normally needed:

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For People with Mental Illness: (continued.)

- 1) coma;
  - 2) ventilator dependent;
  - 3) functioning at the brain stem level;
  - 4) acute cardio-vascular accident that presents with emotional sequela and/or aphasia; or
  - 5) advanced conditions of chronic obstructive pulmonary disease, congestive heart failure, Parkinson's Disease, amyotrophic lateral sclerosis (ALS) or Huntington's Chorea.
- d) Has delirium, and an accurate diagnosis can not be made until the delirium clears. The applicant may be provisionally admitted. It is the responsibility of the NF to immediately notify the Local Mental Health Authority in its county when the delirium clears in order for an individualized evaluation to occur and determinations to be made concerning the need for NF care and specialized services. The Level II evaluation and determinations must be completed within seven working days of the referral to the Local Mental Health Authority.
- e) Has need of brief stays (not to exceed 30 days per calendar year) to provide respite care for in-home caregivers to whom the individual with mental illness is expected to return. The applicant must need the level of care provided by the NF. The Local Mental Health Authority must verbally approve the admission and specify the amount of time approved for each stay.
- f) Is in an emergency situation and requires 24 hour protective services. A Level II evaluation must be completed within seven days from the date of admission. It is the responsibility of the NF to contact the Local Mental Health Authority in its respective county to schedule the Level II evaluation.

Emergencies are defined as situations in which the individual is in a harmful environment or a caregiver is suddenly incapacitated, and the individual cannot provide for his or her own care.

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